IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7915 OF 2005

Mr.Manohar Nimkar & Ors. .. Applicants
Versus
State of Maharashtra .. Respondent

Mr.A.P.Mundergi, Senior Advocate with
Mr.S.N.Karandikar for applicants.
Mr.S.S.Tatkare, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 14th December 2005.

P.C.

. Mr.Tatkare, A.P.P. appearing for respondent State files an affidavit in reply. This affidavit is affirmed by Senior Inspector of Police, attached to Local Crime Branch Thane, Rural, Dist.Thane. The same is taken on record. Mr.Mundergi, learned Senior Counsel proceeds on denials.

2. Mr.Mundergi, learned Senior Counsel appearing for applicants states that applicants have moved the learned Additional Sessions Judge at Palghar for identical reliefs. He states that the sessions Judge has fixed the application for anticipatory bail preferred by the applicants tomorrow i.e. 15th December 2005 and that the applicants would make appropriate submissions. Mr.Mundergi states that in these circumstances this Court should pass appropriate orders.

3. Mr.Lambay, learned Counsel appearing for one of the applicant who has filed another application being Application No.8091 of 2005 (Nagesh Patil) states that as far as applicant No.7 (Nagesh Patil) is concerned, he will be filing an independent application before sessions court and that the order passed by this Court directing the police authorities not to arrest the applicant should continue till tomorrow. Needless to state that since application was

filed on behalf of all applicants including Nagesh Patil, the protection granted by this Court on 9th December 2005 shall continue till 16th December 2005. This order is granted on a condition that applicants shall remain present before sessions court when the application for anticipatory bail would be taken up for consideration tomorrow i.e. 15th December 2005.

4. As far as Nagesh Patil is concerned, protection would also continue and enure for his benefit till the aforesaid date and it is for him him to either join applicants who have filed common application or adopt independent proceedings.

5. All applicants who have not been able to attend I.Os. office today are exempted as far as attendance for today i.e. 14th December 2005.

6. Learned Sessions Judge to dispose of the

application preferred by the applicants on its own merits and in accordance with law, uninfluenced by the order passed by this Court on 9th December 2005 as well as today.

7. All concerned including I.O. to act on an authenticated copy of this order.

8. Mr.Mundergi files three common affidavits of Manohar Nimkar, Vivek Manohar Nimkar and Raghunath Patil viz., Applicant Nos. 1, 2 and 3 respectively in the present application as well as in the application preferred by Nagesh Patil (applicant No.7 herein) being Criminal Application No.8091 of 2005. The same are taken on record.

9. In the light of the above, this application is disposed off as not pressed.

(S.C.DHARMADHIKARI, J)